

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF  
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM,  
VILLAGE HALL, ON NOVEMBER 6, 2002**

**Members Present:** Peter Lilienfield, Chairman  
Carolyn Burnett  
Jay Jenkins  
Walter Montgomery, Secretary  
**Member Absent :** William Hoffman

**Also Present:** Lino Sciarretta, Village Counsel  
Brenda Livingston & Joseph Elliott, Ad Hoc Planning Board  
Members  
Edward P. Marron, Jr., Building Inspector  
Florence Costello, Planning Board Clerk  
Robert Citarell, Environmental Conservation Board  
Applicants and other persons mentioned in these Minutes

**IPB Matters**

**Considered:**           **94-03 – Westwood Development Associates, Inc. -- Phase 1  
(Tract A)**  
                              Sht. 10, P25J2, 25K2  
                              Sht. 10C, Bl. 226, Lots 25A, 26A  
                              Sht. 11, P-25J  
**02-43 – Daniel & Marjorie Rosenfield – 58 Butterwood Lane West**  
                              Sht. 13, Lot P-43  
**02-44 – Westwood Development Associates, Inc.**  
                              Lot 4, Westwood Subdivision  
**02-45 – Susan Lee – 27 South Eckar Street**  
                              Sht. 5, Bl. 212, Lot 43  
**02-46 – Joseph DeNardo – 7 Roland Road**  
                              Sht. 15, Lot P-123A  
**02-47 – Eric & Michelle Frank – 23 Washington Avenue**  
                              Sht. 15, Lot P-101  
**02-48 – Joseph DeMatteo – 39 North Brook Lane**  
                              Sht. 12B, Lot 31

**Added to Agenda:**   **00-40 – Astor Street Associates, LLC – Astor Street (MTA  
Sub-Station)**  
                              Sht. 7, Portion of P-25000

**Carried Over:**       **01-26 – Danfor Realty – Harriman Road**  
                              Sht. 13B, P-5, P-5C  
**02-42 – Jason & Susan Barnett – 48 Ardsley Avenue West**

**WHEREAS**, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for

Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said May, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for the Site Development Plan approval for this application.

**IPB Matter #02-47:**

**Application of Eric & Michelle Frank for Site Development Plan Approval for Property at 23 Washington Avenue**

Peter Cole, architect, represented the Applicant. The proposed development consists of expanding an existing second floor family room by 133 sq ft or 1200 cu. ft., and expanding an existing first floor breakfast area by 33 sq. ft. or 300 cu. ft. The total footprint addition would be 33 sq. ft. or 1.4% of the existing house. Plans submitted were entitled Preliminary Drawings, Renovations to the Frank Residence by Peter A. Cole, Architect, dated October 8, 2002, six (6) sheets.

Mr. Cole discussed the project. Mr. Marron indicated the application could be handled as a waiver. There were no comments from the public, and no engineering comments from Mr. Mastromonaco

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. The Board then determined that the application is for a proposed action which is a Type II Action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution.

**WHEREAS**, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending

any of said May, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for the Site Development Plan approval for this application.

**IPB Matter #02-48:**

**Application of Joseph DeMatteo for Waiver of  
Site Development Plan Approval for property at  
39 North Brook Lane**

Greg Gates, from Richard Henry Behr, architects, represented the Applicant, who is proposing to finish the existing rough-framed Bonus Room space above the existing garage, including a new shed dormer off the rear of the house. Plans submitted were entitled, DeMatteo Residence Bonus Room by Richard Henry Behr, Architect, two (2) sheets, dated October 23, 2002. Mr. Gates outlined the proposed project, noting it is a modification of a plan previously submitted and approved by the Board (IPB #2002-04).

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from Mr. Mastromonaco or the public. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

**WHEREAS**, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said May, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for the Site Development Plan approval for this application.

**IPB Matter #02-43:**

**Application of Daniel & Marjorie Rosenfield for  
Site Development Plan Approval for property at  
58 Butterwood Lane West.**

Arthur Chabon, architect, represented the Applicant, who is proposing to construct a two-story addition to a single-family residence. The Applicant submitted plans entitled, Site Plan and Index of Drawings, Rosenfield Residence by Arthur Chabon, Architect, revised October 22, 2002.

The Chairman opened the scheduled public hearing. He confirmed with Mr. Chabon that the required variance had been granted (ZBA #2002-21), and that Mr. Mastromonaco's comments in his memorandum of June 5 had been addressed. There were no comments from the public.

The Chairman closed the public hearing. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA. Upon motion duly made and seconded, the Board granted Site Development Plan Approval.

**IPB Matter # 02-46:**

**Application of Joseph DeNardo for Site  
Development Plan Approval or Waiver of such  
Requirement for Property at 7 Roland Road**

Paul Petretti, civil engineer and surveyor, represented the Applicant, who is seeking approval for construction on a lot containing 21,221 square feet in the IF-40 Zone. The property is improved with an existing residence, a portion of which will be removed and the remainder of which will be converted into a garage to serve the proposed addition. The Applicant stated that the portion of the existing residence to remain and the new addition will contain a total of 3,900 square feet. Plans submitted were entitled, Construction Plan DeNardo Development Corp. dated September 30, 2002, by Paul J. Petretti, P.E., L.S., one (1) sheet. Mr. Jenkins recused himself.

It was noted that the property was previously in an IF-20, but that the zoning had been changed and the property was now in an IF-40 zone. This led to a discussion of which zoning district would apply, and the potential need to go before the Zoning Board for a variance.

The current proposal shows the new addition complies with the setbacks required under the IF-40 Zone as well as its coverage requirement. While the new addition would also comply with the IF-20 setbacks, it would not comply with the IF 20 coverage requirements. Regardless of setback compliance, the property is non-compliant due to its size relative to the IF 40 requirement.

It was noted that the property is a corner lot, and as such would need to comply with front yard setbacks from each road. The portion of the existing residence, to become the garage, does not comply with either the IF-20 or IF-40 front yard setback requirements. The Chairman also said the property is not in the Hudson River watershed, despite being noted as within the watershed on the plans.

Village Counsel noted that Section 224-7A of the Village Zoning Ordinance indicates that any expansion of a building on a non-conforming lot would necessitate action by the Zoning Board of Appeals.

Comments from the public centered on similar issues. The Planning Board determined that the Zoning Board of Appeals should take action on this matter prior to consideration by the Planning Board. At the request of the Applicant, the matter was carried over on the Planning Board's agenda.

**IPB Matter #00-40:**

**Application of Astor Street Associates, LLC –  
Astor Street (MTA Sub-Station) for Final  
Subdivision and Site Development Approval**

Paul Sirignano, Esq., represented the Applicant. He requested a ninety-day extension for completion of all requirements under the Board's earlier approval of the subdivision and site development plan. The current expiration date is December 3, 2002, and the Board, upon motion duly made and seconded, voted to a one time extension of the date by ninety days to March 3, 2002 as permitted under the Village Code and the approved resolution.

**IPB Matter # 94-03:**

**Application of Westwood Development  
Associates, Inc. -- Phase 1 (Tract A)**

Mr. Pat Steinschneider and Mr. Charles Pateman represented the Applicant. Village Counsel and the Applicant were satisfied with the revised wording of the various easements but Village Counsel noted that they would need to be executed and filed prior to any action by the Planning Board. As a matter of convenience, and in light of the expected execution and filing of the easements during the coming week, the Board decided that the plat would be signed by the Secretary, Mr. Montgomery; the Chairman's signature, however, was not to be affixed until evidence of the execution and filing of the easement was provided.

As a continuation to the discussion of the planning process and the authority of the IPB, a letter dated November 6, 2002 to Padriac Steinschneider from Stephen A. McCabe, Village Administrator was entered into the record. The letter indicates that the Board of Trustees "has determined that it would be best for the Village if there were no further alternation of the planning process". In furtherance of the Trustees' letter, Mr. Sciarretta stated that an application should be made to the Zoning Board of Appeals for variances to be considered on a case by case basis. Mr. Steinschneider cited the proposal for the first house on Westwood Tract A (Lot 4); the Chairman said it poses issues with coverage, height and setbacks, and should be heard by the ZBA prior to action by the Planning Board.

**Informal discussion:**

**IPB Matter #01-16, Joseph and Denise Ciccio  
for property on Riverview Road**

The informal discussion focused on proposed changes in the site development plan approved on the Ciccio property which were brought about by the Kennedy application that recently received site development plan approval (IPB# 02-27). The Board agreed to a conceptual modification of the common driveway, although it required that the Ciccio's apply formally to the Planning Board in December. Discussion centered on modifications to the common driveway, the removal of trees, drainage, and other changes. The Board's consideration of these changes at this stage was conditioned on Mr. Ciccio's commitment to replace the trees.

Other matters addressed by the Board included:

- The Board approved the Minutes of the July and August, 2002 meetings.
- The next Regular Meeting was set for December 4, 2002.

The meeting was adjourned at 9:50 p.m.

Respectfully Submitted,

Walter Montgomery  
Secretary